

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Walid Muhammad

IF MAKE IT

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

NIKE Inc

COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED
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(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>Walid Muhammad</u>
	Street Address	<u>26 North Willow Street</u>
	County, City	<u>Montclair</u>
	State & Zip Code	<u>New Jersey 07042</u>
	Telephone Number	<u>209-518-7213</u>

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name NIKE Inc
 Street Address 1 Bozerman RD
 County, City Beaverton
 State & Zip Code OR 97006

Defendant No. 2

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 3

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

- A. What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal Questions ☐ Diversity of Citizenship
☐ U.S. Government Plaintiff ☐ U.S. Government Defendant

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Across the country in retail
stores selling footwear.

B. What date and approximate time did the events giving rise to your claim(s) occur? November 1, 2018
when NIKE released Kyrie Vapor 5 tennis shoes, in retail stores
such as Foot Locker, ect.

C. Facts: My Federal trademark which consist of Inverted triangle
with eye inside triangle has been infringed by a similar look
a like logo being sold on a basketball shoe.

What
opened
you?

Who did
what?

NIKE Altered my logo made minor adjustments, and began
selling and promoting my logo on a Basketball shoe.

Was
anyone
else
involved?

Yes, NIKE, Kyrie Irving because it is his brand, as well as
the designer for shoe, Ben Nethongkome

Is there
any other
information
you want
to provide?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

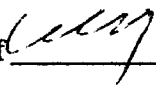
V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I am seeking one-million dollars for NIKE completely infringing my logo causing harm for the future of my products being sold. As well as what the Court thinks I deserve.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11 day of 18 november, 2020.

Signature of Plaintiff 

Mailing Address _____

26 North Willow Street Montclair

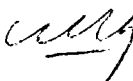
NS 07042

Telephone Number 209-518-7213

Fax Number (if you have one) _____

E-mail Address Walshcharms22@gmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

11/18/2020 

Signature of Plaintiff: 

Walid Muhammad
26 north willow street
Montclair new jersey 07042
Telephone:209-518-7213
Walidcharms22@gmail.com

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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IFIMAKEIT Clothing Company, a
New Jersey corporation.

Plaintiffs,

COMPLAINT FOR TRADEMARK INFRINGEMENT
(Trademark Infringement, Trademark Dilution

DEMAND FOR JURY TRIAL

NIKE Inc, a Oregon corporation.

Defendant.

Plaintiffs IFIMAKEIT state the following for their complaint against NIKE Inc.

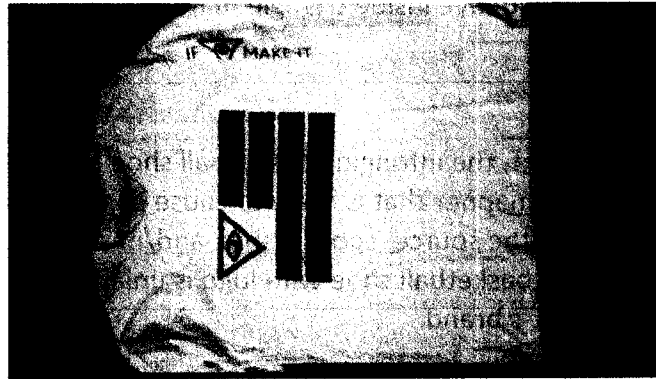
(Introduction)

For six years IFIMAKEIT has manufactured, advertised marketed, promoted, distributed, and sold apparel bearing its famous and distinctive Inverted Triangle with an eye inside the triangle, which is covered by a federal trademark.

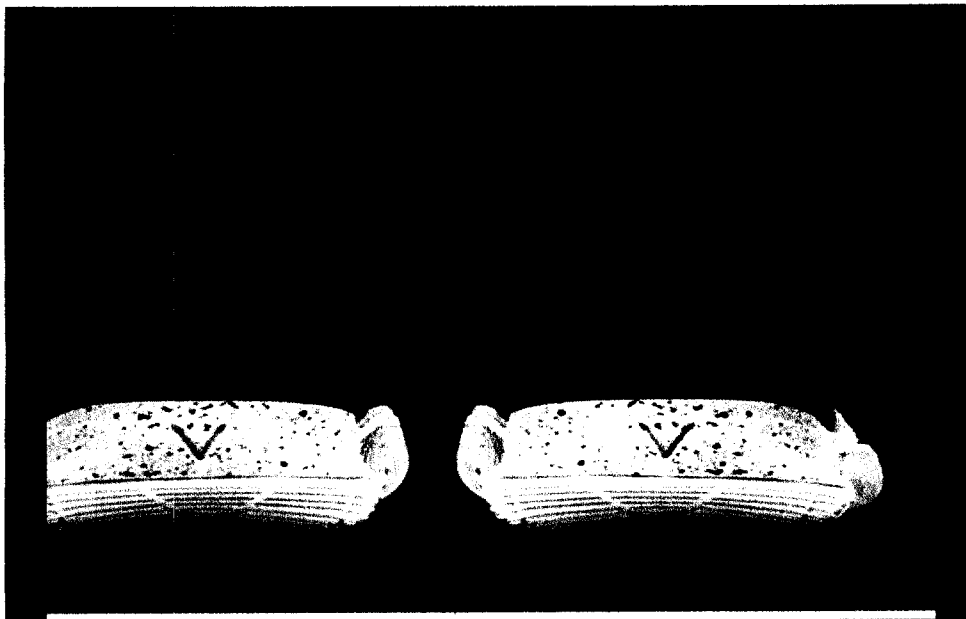
IFIMAKEIT's Inverted triangle with an eye inside the triangle is particularly well known among, Hip-Hop Artist, Hip-Hop fans and consumers of apparel. As the sponsor for major music videos. Including its most popular Music Video collaboration with over forty-million views on YouTube. Which was aired on MTV Jams television. The Music video "SELFISH" By Artist PNB Rock; who is currently signed to Atlantic Records. Hundreds of thousands of people around the world and in the united states are exposed to the Inverted triangle with eye inside triangle Mark in connection with the music platform. Such prominent use of the Inverted triangle with eye inside triangle in connection with such an enormously music industry has further enhanced the marks recognition and fame

IFIMAKEIT has made longstanding use of the inverted triangle Mark, on apparel Examples shown below.





Despite IFIMAKEIT's longstanding rights in the Inverted triangle with and eye inside the triangle Mark, Nike recently began offering for sale a basketball shoe bearing a confusingly similar imitation of IFIMAKEIT's Inverted triangle with an eye inside triangle, as shown in photograph below. (The infringing Logo)



NIKE is not only a direct competitor, but shares a mutual history with Star basketball player Kyrie Irving; behind the shoes being sold in his name representing his shoe brand. Kyrie Irving Who attended MKA High School in Montclair New jersey, Was within

distance of 15 miles of IFIMAKEIT's establishment in small town Montclair New jersey. NIKE, as well as Kyrie Irving is thus intimately familiar with IFIMAKEIT's Inverted triangle Mark, and the enormous goodwill it represents. Thus, Nikes use of triangle with eye inside triangle Mark on heel of infringing basketball shoe is blatant attempt by Nike to trade on the goodwill commercial magnetism IFIMAKEIT has built up in the Inverted triangle with eye inside triangle mark and to free-ride on IFIMAKEIT's fame as a clothing brand.

In Short, the infringing basketball shoe logo imitates IFIMAKEIT Inverted triangle mark in a manner that is likely to cause consumer confusion and deceive the public regarding the source, sponsorship, and/or affiliation of that logo. Nike's sale of the infringing basketball shoe with logo is unlawful and is causing irreparable harm to IFIMAKEIT's brand.

IFIMAKEIT brings this action at law and in equity for trademark infringement and dilution, unfair competition, and unfair business practices arising under the trademark act of 1946, 15 U.S.C 1051 et seq. (2009) ("Lanham Act") the anti-dilution laws of several states; the fair business practices and unfair and deceptive trade practices acts of several states; and the common law. Among other relief, IFIMAKEIT ask the court to : (a) preliminarily enjoin Nike from distributing , marketing or selling footwear bearing a confusingly similar imitation of the Inverted triangle Mark;(b) permanently enjoin Nike from distributing marketing, or selling footwear using or bearing a confusingly similar imitation of Inverted triangle Mark;(c) Award IFIMAKEIT monetary damages and to treble that award;(d) require Nike to disgorge all profits from sales of the infringing basketball shoe logo; and (e) award IFIMAKEIT punitive damages.

Plaintiff IFMAKEIT CEO Walid Muhammad is owner of established brand. Having its place of business via online IFIMAKEIT.COM

(Facts Common to All Claims for Relief)

A. Famous Inverted Triangle with an eye inside Triangle

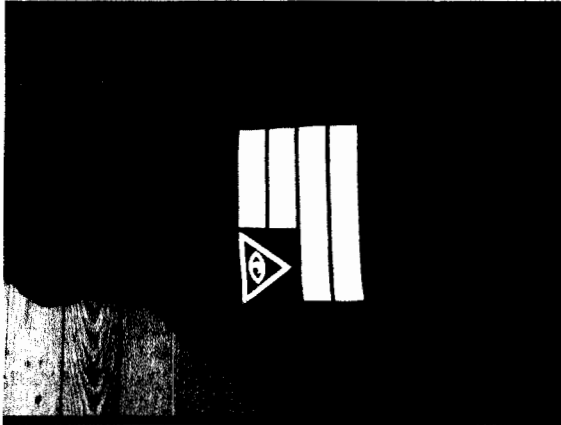
At least as early as 2014, IFIMAKEIT began using the Inverted triangle with eye inside triangle on apparel sold in the united states, starting in hometown Montclair New Jersey, and spread to los Angeles California. The Inverted triangle with eye inside triangle mark quickly came to signify the quality and reputation of IFIMAKEIT apparel.

IFMAKEIT is the owner of a federal trademark registration, Reg. NO 5,002,956 issued by united states patent and trademark office ("PTO") on Jul.19 2016 for the Inverted

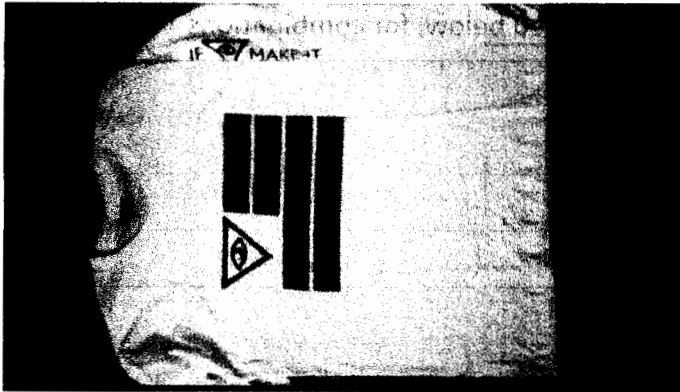
triangle with eye inside triangle mark, as depicted below, for combinations T shirts, Hats, Hoodies, Socks, leggings



IFIMAKEIT is owner of a federal trademark registration Reg NO. 5,00,956, issued by PTO on Jul.19,2016 for inverted triangle in eye inside triangle mark, as depicted below for combinations, namely hoodies.



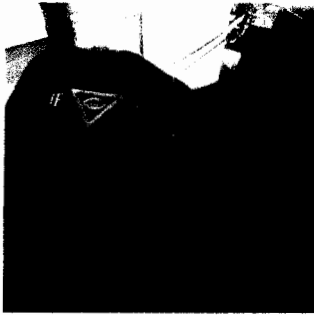
IFIMAKEIT is owner of a federal trademark registration Reg NO. 5,00,956, issued by PTO on Jul.19,2016 for inverted triangle in eye inside triangle mark, as depicted below for combinations, namely T-Shirts



IFIMAKEIT is owner of a federal trademark registration Reg NO. 5,00,956, issued by PTO on Jul.19,2016 for inverted triangle in eye inside triangle mark, as depicted below for combinations, namely Hats



IFIMAKEIT is owner of a federal trademark registration Reg NO. 5,00,956, issued by PTO on Jul.19,2016 for inverted triangle in eye inside triangle mark, as depicted below for combinations, namely Hats.



IFIMAKEIT's Inverted Triangle with eye inside triangle mark is well known and famous and has been for the past six years. IFIMAKEIT has used the Inverted triangle mark in connection with its frequent sponsorship of Hip-hop Music videos, PNB Rock "Selfish" Music video, Soulja Boy "Dope runner" Music Video. Trill Sammy "Jumping" Music video, which in fact was published on well known online website "worldstarhiphop.com". The inverted triangle mark was worn at celebrity meet and greets in Los Angeles California with Grammy nominated artist Soulja boy. Worn by Hip-hop artist Trippie Red, Justin Bieber's artist Khalil. Worn by NFL running back Christine Lynn Michael, NFL wide receiver Ryan Grant.

Throughout the years, Music industry artist has remained a core part of the IFIMAKEIT brand. Each year IFIMAKEIT sponsors and offers specialized apparel, bearing the Inverted triangle with eye inside triangle mark.

As a result of IFIMAKEIT extensive promotional efforts, a commitment to Hip-hop artist in particular, the public associates IFIMAKEIT with Hip-hop artist. In 2016 The Hit song "SELFISH" by PNB Rock features a thirty second cameo with t shirt bearing Inverted triangle Mark for IFIMAKEIT's brand. Link to this is at IFIMAKEIT.COM search bar music videos.

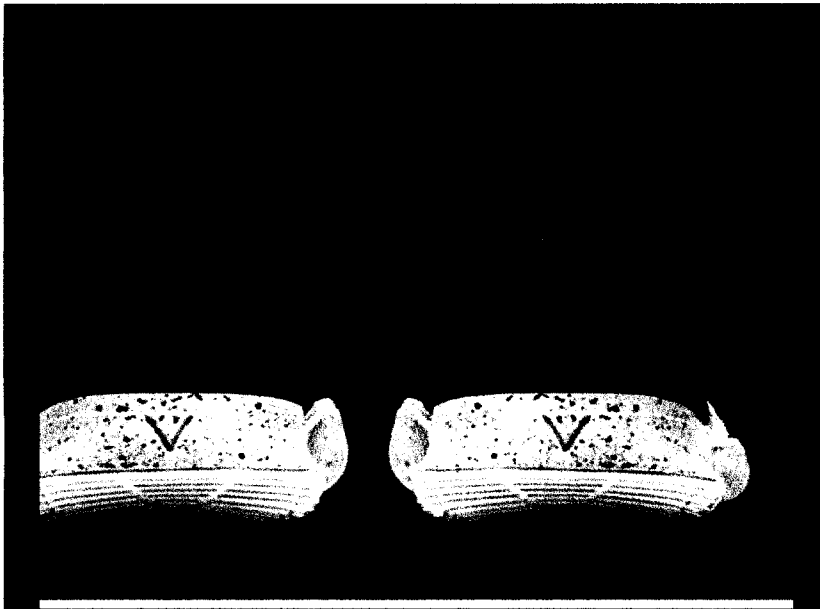
Further, consumers of hip-hop apparel well recognize and understand that the inverted triangle with an eye inside triangle mark distinguishes and identifies IFIMAKEIT merchandise.

For the past six years IFIMAKEIT has extensively and continuously used and promoted the Inverted triangle with eye inside triangle mark in connection with apparel, which has resulted in decent sales under the inverted triangle mark. In recent years annual sales of products bearing the inverted triangle mark have totaled a little less than fifteen thousand dollars, being that the IFIMAKEIT brand is up coming, IFIMAKEIT CEO Walid Muhammad has spent relatively more than ten thousand dollars on advertising and promoting. IFIMAKEIT has given out several free products to consumers for sponsorships, and has paid for advertisement for promoting its own goods on various platforms, such as Instagram, twitter snapchat, club

entries. Online marketing. The Inverted triangle mark has achieved international fame and tremendous public recognition.

NIKES Unlawful Activities

In blatant disregard of IFIMAKEIT's rights, Nike is manufacturing, producing, marketing, distributing, offering for sale, and selling interstate commerce of basketball shoes bearing a design consisting of triangle with eye inside triangle on heel of shoe. The infringing Triangle design as depicted below closely mimics the shape, and design of the Inverted triangle mark on IFIMAKEIT's apparel.



As an upcoming brand with potential to be a direct competitor, Nike is offering and infringing logo on basketball shoes to consumers.

Without doubt, due to social media platforms, and online services, being able to see images with a swipe of a finger on your phone, Nike, and basketball player kyrie Irving had knowledge of and was very familiar with the Inverted triangle mark, when it began designing, manufacturing, distributing, marketing, promoting, offering for sale and selling the infringing mark on a basketball shoe. Clearly Nike intentionally adopted and used a confusingly similar imitation of the inverted triangle mark, knowing that the infringing triangle design would mislead and deceive consumers into believing that Nikes footwear was produced, authorized, or licensed by IFIMAKEIT or that mark originated from IFIMAKEIT.

The infringing Triangle on basketball shoe heel design , manufactured sourced, distributed, manufactured, marketed, promoted, offered for sale, and sold by Nike is not manufactured by IFIMAKEIT, nor is Nike associated, affiliated , or connected with IFIMAKEIT, or licensed, authorized, sponsored, endorsed, or approved by IFIMAKEIT in any way.

IFIMAKEIT used the Inverted Triangle with eye inside triangle mark extensively and continuously before Nike began using the infringing triangle design on footwear, or designing, manufacturing, distributing, marketing, promoting, offering for sale, and selling infringing logo on basketball shoe.

The likelihood of confusion, mistake, and deception engendered by Nikes infringement of IFIMAKEIT's Inverted triangle is causing irreparable harm to the good will symbolized by the mark and reputation for quality that it embodies.

Nikes activities are likely to cause confusion before, during, and after the time of purchase because purchasers, prospective purchasers, and others viewing Nike's infringing shoe at point of sale or on a wearer are likely- due to Nike's use of a confusingly similar imitation of IFIMAKEIT's Inverted triangle mark- to mistakenly attribute mark to IFIMAKEIT. By causing a likelihood of confusion, mistake and deception, Nike is inflicting, irreparable harm on the goodwill symbolized by IFIMAKEIT's Inverted triangle mark and reputation for quality that it embodies.

Nike Continues to use the infringing triangle design in connection with footwear sale, that directly competes with apparel offered by IFIMAKEIT, as well as in the near future when IFIMAKEIT expands into Footwear of its own in near future. Nike began selling the infringing logo in basketball shoe well after IFIMAKEIT had established protectable rights in Inverted triangle mark, and well after inverted tringle with an eye inside triangle mark became famous.

On further information and belief, Nike knowingly, willfully, intentionally, and maliciously adopted and used a confusingly similar imitation of IFIMAKEIT's inverted triangle mark.

First Claim for relief

(Federal Trademark Infringement)

IFIMAKEIT repeats and incorporates by reference the allegations in the preceding paragraphs.

Nike's use of a confusingly similar imitation of IFIMAKEIT's inverted triangle mark has caused and is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Nike's goods are manufactured or distributed by IFIMAKEIT, or are affiliated, connected, or associated with IFIMAKEIT, or have the sponsorship, endorsement, or approval of IFIMAKEIT.

Nike has made false representations, false descriptions, and false designations of, on, or in connection with its goods in violation of 15 U.S.C 1125. (a) Nike's activities have caused and, unless enjoined by this court, will continue to cause likelihood of confusion and deception of members of the trade and public, and, additionally, injury to IFIMAKEIT's good will and reputation as symbolized by IFIMAKEIT's Inverted triangle mark, for which IFIMAKEIT has no adequate remedy at law.

Nike's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with IFIMAKEIT's Inverted triangle mark to the great and irreparable injury of IFIMAKEIT.

Nike's conduct has caused, and is likely to continue causing, substantial injury to the public and to IFIMAKEIT. IFIMAKEIT is entitled to injunctive relief and to recover Nike's profits, actual damages, enhanced profits and damages, under 15 U.S.C 1125(a), 1116, and 1117.

Second claim for relief
(Federal Trademark Dilution of the Inverted triangle Mark)

For six years, IFIMAKEIT has exclusively and continuously promoted and used the Inverted triangle Mark, both in the united states and throughout the world. The inverted triangle Mark became famous, and well-known symbol of IFIMAKEIT and IFIMAKEIT's products well before Nike began using the infringing triangle design on a basketball shoe for sale.

Nike is making use in the commerce of the infringing triangle design, which dilutes and is likely to dilute the distinctiveness of IFIMAKEIT's inverted triangle Mark by eroding the publics exclusive identification of this famous mark with IFIMAKEIT, tarnishing and degrading the positive associations and prestigious connotations of the mark, and otherwise lessening the capacity of the mark to identify and distinguish IFIMAKEIT's goods.

Nike's actions demonstrate and intentional, willful, and malicious intent to trade on the goodwill associated with IFIMAKEIT's inverted triangle mark or to cause dilution of the mark to the great and irreparable injury of IFIMAKEIT.

Nike has caused and will continue to cause irreparable injury to IFIMAKEIT's goodwill and business reputations, and dilution of the distinctiveness and value of the IFIMAKEIT's famous and distinctive inverted triangle mark in violation of 15 U.S.C 1125(c). IFIMAKEIT therefore is entitled to injunctive relief and to Nike's profits, actual damages, enhanced profits and damages, under 15 U.S.C 1125 (c) ,1116 and 1117.

As a result of Nike's acts, IFIMAKEIT has been damaged in an amount not yet determined or ascertainable. At a minimum, however, IFIMAKEIT is entitled to injunctive relief, to an accounting of Nike's profits, damages, and cost. Further, in light of the deliberate and malicious use of the confusingly similar imitation of IFIMAKEIT's inverted triangle Mark, and the need to deter Nike from engaging in similar conduct in the future. IFIMAKEIT is entitled to punitive damages.

Based on Nike's willful and deliberate infringement and/ or dilution of the IFIMAKEIT inverted triangle Mark, and to deter such conduct in the future, IFIMAKEIT be awarded punitive damages.

IFIMAKEIT be awarded prejudgment and post-judgment interest on all monetary awards; and IFIMAKEIT be granted such other relief as the court may deem just.

JURY TRIAL DEMAND

IFIMAKEIT respectfully demands a trial by jury on all claims and issues so triable

Dated November 18, 2020.

By Walid Muhammad
26 North willow street Montclair Nj 07042
Telephone: 209-518-7213
Walidcharms22@gmail.com